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SR 101 = SCR 76 AQUACULTURE PROJECTS AND THE EIS SYSTEM

Statement for
Senate Committee on
Agriculture
Public Hearing - April 11, 1986

By
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SR 101 and SCR 76 propose a study of the effects of exempting small-scale aquaculture projects from the Environmental Impact Statement law. This statement on the resolutions does not represent an institutional position of the University of Hawaii.

The EIS law already provides that, if no project of a certain type will have a significant effect, all projects of that type may be the subject of a categorical exemption from individual environmental assessment and hence from EIS preparation requirements. The law provides that any agency whose permission is required for projects of that type may propose the categorical exemption to the Environmental Council for approval of the exemption.

In the rationale expressed for the resolutions it is recognized that exemption of small-scale aquaculture projects from EIS preparation requirements was proposed with the aim of reducing "regulatory cost and time constraint to new aquaculture ventures." This proposal was in the form of a bill to add to the EIS law a provision for the specific categorical exemption of small-scale aquaculture projects from EIS preparation requirements to the present general provision for categorical exemption not only from EIS preparation requirements but from environmental assessment.

There seems little purpose to a study of the effects of the present provisions of the EIS law with respect to categorical exemption as they affect aquaculture projects, of a special provision for the categorical exemption of aquaculture projects, or of the combination, until the present provision has been used. The only possible purpose for making such a study would be to determine how to define a category of "small-scale" aquaculture projects that would appropriately be exempt. Even if such a category were defined, the present provisions of the law would exempt the projects of that category from assessment as well as EIS preparation, and no amendment of the law would be required.

If a study were made for this purpose, it would have to take into account the nature of aquaculture projects and the nature of their potential environmental impacts. The study proposed in the resolutions would be made by the Aquaculture Advisory Council, whose members are particularly familiar with the nature of aquaculture projects but cannot be expected to be particularly familiar with the environmental impacts of such projects. Other statements presented at this hearing contain suggestions that persons with environmental expertise be added to the study group, and that the report of the study be submitted to the Department of Health for review. An alternative to the suggestions of the first sort would be to require that, in the study, the Aquaculture Advisory Council consult with bodies with environmental expertise. Such bodies include the Office of Environmental Quality Control and our Environmental Center.

We suggest, therefore, that if a study is to be made, its purpose should be to define a category of "small-scale" aquaculture projects that might be appropriately exempt from environmental assessment under the present EIS law, and that experts on both aquaculture and environmental impact should be involved in the study or in the review of the report prepared from it.